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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Samy Ashkar and Jairo Salcedo

Serial No.: 09/981,845

Art Unit: 1647

Filed: October 18, 2001

Examiner: Regina M. Deberry

For: *OSTEOPONTIN-COATED SURFACES AND METHODS OF USE*

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

See applied only

APPEAL BRIEF

Sir:

This is an appeal from the final rejection of claims 1-3, 5 and 6 in the Office Action mailed August 8, 2005, in the above-identified patent application. A Notice of Appeal was filed on November 8, 2005. An Advisory Action was mailed February 15, 2006. **An Appeal brief was filed on August 16, 2004, and a Substitute Appeal Brief on December 2, 2004. The examiner reopened examination on March 17, 2005, in response to the Substitute Appeal Brief. The Commissioner was authorized to charge \$165 to Appellant's deposit account in payment of the Appeal Brief filed on August 16, 2004, the fee for filing an Appeal Brief for a small entity. However, the fee for filing an Appeal Brief for a small entity is currently \$250.00. The Commissioner is hereby authorized to charge the difference of \$85.00, to Deposit Account No. 50-3129. Submitted with this Appeal Brief is a Petition for an Extension of Time, to extend the period for response for two months, to and including March 8, 2006. The**

skill in the art could make the claimed peptides which bind to at least one integrin receptor a cell surface, and use the peptides to increase the cell attachment to a biomaterial and cell spread.

For the foregoing reasons, Appellants submit that claims 1-3, 5 and 6 are enabled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrea L. Pabst', written over a horizontal line.

Patrea L. Pabst
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Date: February 24, 2006
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